

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/585,195

(U.S. Nat'l Phase of Int'l Appl.  
No. PCT/EP2004/014791)

Int'l Filing Date: December 29, 2004

For: **Cis-AlkoxySpiro-Substituted  
Tetramic Acid Derivatives**

Confirmation No.: 9401

Art Unit: *To be Assigned*

Examiner: *To be Assigned*

Atty. Docket: 2400.0610000/VLC/THN

**Information Disclosure Statement  
under 37 C.F.R. § 1.97(b)**

*Mail Stop PCT*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP58** and **NPL1** to **NPL29** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, documents **US1** to **US7** cited on the attached IDS Form PTO/SB/08A, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1** to **FP6**, **FP8** to **FP20**, **FP22** to **FP23**, **FP25** to **FP58**, cited on Form PTO/SB/08A, and **NPL3**, cited on Form PTO/SB/08B.

Document **FP1**, DE 2 218 097, is in the German language. An English language abstract of document FP1 is attached as document **NPL6**.

Document **FP2**, DE 2 350 547, is in the German language. An English language abstract of document FP2 is attached as document **NPL7**.

Document **FP3**, EP 0 086 750 A2, is in the German language. An English language abstract of document FP3 is attached as document **NPL8**.

Document **FP4**, EP 0 094 349 A2, is in the German language. An English language abstract of document FP4 is attached as document **NPL9**.

Document **FP5**, EP 0 174 562 A2, is in the German language. An English language abstract of document FP5 is attached as document **NPL10**.

Document **FP6**, EP 0 191 736 A2, is in the German language. An English language abstract of document FP6 is attached as document **NPL11**.

Document **FP8**, EP 0 269 806 A1, is in the German language. An English language abstract of document FP8 is attached as document **NPL12**.

Document **FP9**, EP 0 333 131 A1, is in the German language. An English language abstract of document FP9 is attached as document **NPL13**.

Document **FP10**, EP 0 346 620 A1, is in the German language. An English language abstract of document FP10 is attached as document **NPL14**.

Document **FP11**, EP 0 355 599 A1, is in the German language. An English language abstract of document FP11 is attached as document **NPL15**.

Document **FP12**, EP 0 377 893 A2, is in the German language. An English language abstract of document FP12 is attached as document **NPL16**.

Document **FP13**, EP 0 415 211 A2, is in the German language. An English language abstract of document FP13 is attached as document **NPL17**.

Document **FP14**, EP 0 442 073 A2, is in the German language. An English language abstract of document FP14 is attached as document **NPL18**.

Document **FP15**, EP 0 442 077 A2, is in the German language. An English language abstract of document FP15 is attached as document **NPL19**.

Document **FP16**, EP 0 456 063 A2, is in the German language. An English language abstract of document FP16 is attached as document **NPL20**.

Document **FP17**, WO 91/07874 A1, is in the German language. An English language abstract of document FP17 can be found on the face page of the published patent application.

Document **FP18**, WO 91/08202 A1, is in the German language. An English language abstract of document FP18 can be found on the face page of the published patent application.

Document **FP19**, EP 0 492 366 A2, is in the German language. An English language abstract of document FP19 is attached as document **NPL21**.

Document **FP20**, EP 0 521 334 A1, is in the German language. An English language abstract of document FP20 is attached as document **NPL22**.

Document **FP22**, EP 0 582 198 A2, is in the German language. An English language abstract of document FP22 is attached as document **NPL23**.

Document **FP23**, EP 0 596 298 A2, is in the German language. An English language abstract of document FP23 is attached as document **NPL24**.

Document **FP25**, EP 0 613 884 A2, is in the German language. An English language abstract of document FP25 is attached as document **NPL25**.

Document **FP26**, EP 0 613 885 A2, is in the German language. An English language abstract of document FP26 is attached as document **NPL26**.

Document **FP27**, WO 94/29268 A1, is in the German language. An English language abstract of document FP27 can be found on the face page of the published patent application.

Document **FP28**, WO 95/01971 A1, is in the German language. An English language abstract of document FP28 can be found on the face page of the published patent application.

Document **FP29**, WO 95/07897 A1, is in the German language. An English language abstract of document FP29 can be found on the face page of the published patent application.

Document **FP30**, WO 95/20572 A1, is in the German language. An English language abstract of document FP30 can be found on the face page of the published patent application.

Document **FP31**, EP 0 668 267 A1, is in the German language. An English language abstract of document FP31 is attached as document **NPL27**.

Document **FP32**, WO 95/26954 A1, is in the German language. An English language abstract of document FP32 can be found on the face page of the published patent application.

Document **FP33**, WO 96/25395 A1, is in the German language. An English language abstract of document FP33 can be found on the face page of the published patent application.

Document **FP34**, WO 96/35664 A1, is in the German language. An English language abstract of document FP34 can be found on the face page of the published patent application.

Document **FP35**, WO 97/01535 A1, is in the German language. An English language abstract of document FP35 can be found on the face page of the published patent application.

Document **FP36**, WO 97/02243 A1, is in the German language. English language equivalents of document FP36 are listed as **US1**, **US4**, **US5**, and **US6**.

Document **FP37**, DE 196 21 522 A1, is in the German language. An English language abstract of document FP37 is attached as document **NPL28**.

Document **FP38**, WO 97/36868 A1, is in the German language. An English language abstract of document FP38 can be found on the face page of the published patent application.

Document **FP39**, WO 97/43275 A2, is in the German language. An English language abstract of document FP39 can be found on the face page of the published patent application.

Document **FP40**, WO 98/05638 A2, is in the German language. An English language abstract of document FP40 can be found on the face page of the published patent application.

Document **FP41**, WO 98/06721 A1, is in the German language. An English language abstract of document FP41 can be found on the face page of the published patent application.

Document **FP42**, EP 0 835 243 B1, is in the German language. English language equivalents of document FP42 are listed as **US1**, **US4**, **US5**, and **US6**.

Document **FP43**, WO 98/25928 A1, is in the German language. An English language abstract of document FP43 can be found on the face page of the published patent application.

Document **FP44**, WO 99/16748 A1, is in the German language. An English language abstract of document FP44 can be found on the face page of the published patent application.

Document **FP45**, WO 99/24437 A1, is in the German language. An English language abstract of document FP45 can be found on the face page of the published patent application.

Document **FP46**, WO 99/43649 A1, is in the German language. An English language abstract of document FP46 can be found on the face page of the published patent application.

Document **FP47**, WO 99/48869 A1, is in the German language. An English language abstract of document FP47 can be found on the face page of the published patent application.

Document **FP48**, WO 99/55673 A1, is in the German language. An English language abstract of document FP48 can be found on the face page of the published patent application.

Document **FP49**, WO 99/66795 A1, is in the German language. An English language abstract of document FP49 can be found on the face page of the published patent application.

Document **FP50**, WO 01/09092 A1, is in the German language. An English language abstract of document FP50 can be found on the face page of the published patent application.

Document **FP51**, WO 01/17972 A2, is in the German language. An English language abstract of document FP51 can be found on the face page of the published patent application.

Document **FP52**, WO 01/23354 A2, is in the German language. An English language abstract of document FP52 can be found on the face page of the published patent application.

Document **FP53**, WO 01/74770 A1, is in the German language. An English language abstract of document FP53 can be found on the face page of the published patent application.

Document **FP54**, WO 02/02532 A1, is in the German language. An English language abstract of document FP54 can be found on the face page of the published patent application.

Document **FP55**, WO 03/013249 A1, is in the German language. An English language abstract of document FP55 can be found on the face page of the published patent application.

Documents **FP56** and **FP57**, WO 03/029213 A1 and WO 03/029213 A1 Corrected Version, respectively, are in the German language. An English language equivalent of FP56 and FP57 is listed as document **US7**.

Document **FP58**, WO 2004/111042 A1, is in the German language. An English language abstract of document FP58 can be found on the face page of the published patent application.

Document **NPL3**, Schmierer, R. and Mildemberger, H., "Cyclisierung von *N*-Acylalanin- und *N*-Acylglycinestern," *Liebigs Ann. Chem.* 1985:1095-1098, VCH Verlagsgesellschaft mbH (1985), is in the German language. An English language abstract of the document **NPL3** can be found on the face page of the article.

Documents **FP36**, **FP42**, **FP56**, and **FP58** were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. The search report is attached as document **NPL29** on the IDS Form, PTO/SB/08B. 1138 OG 37, 38.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication

dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 2-21-07

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
*(Use as many sheets as necessary)*

(Use as many sheets as necessary)

Sheet 1 of 7

**Complete if Known**

Application Number

**Known**  
10/585,195 (U.S. Nat'l Phase of Int'l  
Appl. No. PCT/EP2004/014791)  
20 2004

Int'l Filing Date

December 29, 2004

First Named Inventor

FISCHER, Reiner

Art Unit	
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To be Assigned
To be Assigned

Examiner Name	
Attorney Docket Number	

To be Assigned  
2400.0610000/VLC/THN

[illegible]

FOREIGN PATENT DOCUMENTS				Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	
		Country Code <sup>2</sup>	Number <sup>3</sup> Kind Code <sup>5</sup> (if known)		
	FP1	DE 2 218 097	11/02/1972	Stauffer Chemical Co.	Abs
	FP2	DE 2 350 547	04/25/1974	Stauffer Chemical Co.	Abs
	FP3	EP 0 086 750 A2 EP 0 086 750 A3	08/24/1983	Ciba-Geigy AG	Abs
	FP4	EP 0 094 349 A2 EP 0 094 349 A3	11/16/1983	Ciba-Geigy AG	Abs
	FP5	EP 0 174 562 A2 EP 0 174 562 A3	03/19/1986	Hoechst Aktiengesellschaft	Abs
	FP6	EP 0 191 736 A2 EP 0 191 736 A3	08/20/1986	Ciba-Geigy AG	
	FP7	EP 0 262 399 A2 EP 0 262 399 A3	04/06/1988	Takeda Chemical Industries, Ltd.	Abs
	FP8	EP 0 269 806 A1	06/08/1988	Hoechst Aktiengesellschaft	Abs
	FP9	EP 0 333 131 A1	09/20/1989	Hoechst Aktiengesellschaft	Abs

Examiner  
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				Application Number	10/585,195 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/014791)
				Int'l Filing Date	December 29, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	<i>To be Assigned</i>
				Examiner Name	<i>To be Assigned</i>
				Attorney Docket Number	2400.0610000/VLC/THN
Sheet	4	of	7		

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
		Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)			
	FP28	WO 95/01971 A1	01/19/1995	Bayer Aktiengesellschaft and Bachmann <i>et al.</i>	Abs
	FP29	WO 95/07897 A1	03/23/1995	Hoechst Schering AgrEvo GmbH	Abs
	FP30	WO 95/20572 A1	08/03/1995	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP31	EP 0 668 267 A1	08/23/1995	Bayer AG	Abs
	FP32	WO 95/26954 A1	10/12/1995	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP33	WO 96/25395 A1	08/22/1996	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP34	WO 96/35664 A1	11/14/1996	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP35	WO 97/01535 A1	01/16/1997	Bayer Aktiengesellschaft and Lieb <i>et al.</i>	Abs
	FP36	WO 97/02243 A1	01/23/1997	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>3</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup>
	FP55	WO 03/013249 A1	02/20/2003	Bayer Aktiengesellschaft and Fischer <i>et al.</i>	Abs
	FP56	WO 03/029213 A1	04/10/2003	Bayer CropScience AG and Fischer <i>et al.</i>	
	FP57	WO 03/029213 A1 Corrected Version	04/10/2003	Bayer CropScience AG and Fischer <i>et al.</i>	
	FP58	WO 2004/111042 A1	12/23/2004	Bayer CropScience Aktiengesellschaft and Fischer <i>et al.</i>	Abs

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				Application Number	10/585,195 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/014791)
				Int'l Filing Date	December 29, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	To be Assigned
				Examiner Name	To be Assigned
Sheet	1	of	3	Attorney Docket Number	2400.0610000/VLC/THN

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Bhattacharya, B., "Isoquinoline Derivatives: Part XVIII-Formation of I-Alkyl-(or alkaryl or aryl)-3-methyl-7-chloro-(or 5-chloro)-isoquinolines," <i>Indian J. Chem.</i> 6:341-345, Council of Scientific and Industrial Research (1968)	
	NPL2	Harrison, H.R., <i>et al.</i> , "Use of molecular sieves in the methyl esterification of carboxylic acids," <i>Chem. Ind.</i> 45:1568, Society of Chemical Industry (1968)	
	NPL3	Schmierer, R. and Mildenerger, H., "Cyclisierung von N-Acylalanin- und N-Acylglycinestern," <i>Liebigs Ann. Chem.</i> 1985:1095-1098, VCH Verlagsgesellschaft mbH (1985)	Abs
	NPL4	Sonntag, N.O.V., "The Reactions of Aliphatic Acid Chlorides," <i>Chem. Rev.</i> 52:237-416, American Chemical Society (1953)	
	NPL5	Suzuki, S., <i>et al.</i> , "Studies on Antiviral Agents. IV. Biological Activity of Tenuazonic Acid Derivatives," <i>Chem. Pharm. Bull.</i> 15:1120-1122, Pharmaceutical Society of Japan (1967)	
	NPL6	Dialog File 351, Accession No. 502720, Derwent WPI English language abstract for DE 2 218 097 (listed on accompanying PTO/SB/08A as document FP1)	
	NPL7	Dialog File 351, Accession No. 629712, Derwent WPI English language abstract for DE 2 350 547 (listed on accompanying PTO/SB/08A as document FP2)	
	NPL8	Dialog File 351, Accession No. 2714950, Derwent WPI English language abstract for EP 0 086 750 A2 (listed on accompanying PTO/SB/08A as document FP3)	
	NPL9	Dialog File 351, Accession No. 2777922, Derwent WPI English language abstract for EP 0 094 349 A2 (listed on accompanying PTO/SB/08A as document FP4)	
	NPL10	Dialog File 351, Accession No. 3892231, Derwent WPI English language abstract for EP 0 174 562 A2 (listed on accompanying PTO/SB/08A as document FP5)	

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/585,195 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/014791)
				Int'l Filing Date	December 29, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	To be Assigned
				Examiner Name	To be Assigned
Sheet	2	of	3	Attorney Docket Number	2400.0610000/VLC/THN

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T <sup>2</sup>
	NPL11	Dialog File 351, Accession No. 3770049, Derwent WPI English language abstract for EP 0 191 736 A2 (listed on accompanying PTO/SB/08A as document FP6)	
	NPL12	Dialog File 351, Accession No. 4372286, Derwent WPI English language abstract for EP 0 269 806 A1 (listed on accompanying PTO/SB/08A as document FP8)	
	NPL13	Dialog File 351, Accession No. 4889149, Derwent WPI English language abstract for EP 0 333 131-A1 (listed on accompanying PTO/SB/08A as document FP9)	
	NPL14	Dialog File 351, Accession No. 4963457, Derwent WPI English language abstract for EP 0 346 620 A1 (listed on accompanying PTO/SB/08A as document FP10)	
	NPL15	Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP11)	
	NPL16	Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2 (listed on accompanying PTO/SB/08A as document FP12)	
	NPL17	Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP13)	
	NPL18	Dialog File 351, Accession No. 5637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP14)	
	NPL19	Dialog File 351, Accession No. 5637204, Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP15)	
	NPL20	Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP16)	

Examiner Signature		Date Considered	
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	NPL21	Dialog File 351, Accession No. 5984812, Derwent WPI English language abstract for EP 0 492 366 A2 (listed on accompanying PTO/SB/08A as document FP19)	
	NPL22	Dialog File 351, Accession No. 6600806, Derwent WPI English language abstract for EP 0 521 334 A1 (listed on accompanying PTO/SB/08A as document FP20)	
	NPL23	Dialog File 351, Accession No. 6665683, Derwent WPI English language abstract for EP 0 582 198 A2 (listed on accompanying PTO/SB/08A as document FP22)	
	NPL24	Dialog File 351, Accession No. 6975167, Derwent WPI English language abstract for EP 0 596 298 A2 (listed on accompanying PTO/SB/08A as document FP23)	
	NPL25	Dialog File 351, Accession No. 6979861, Derwent WPI English language abstract for EP 0 613 884 A2 (listed on accompanying PTO/SB/08A as document FP25)	
	NPL26	Dialog File 351, Accession No. 6979862, Derwent WPI English language abstract for EP 0 613 885 A2 (listed on accompanying PTO/SB/08A as document FP26)	
	NPL27	Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract for EP 0 668 267 A1 (listed on accompanying PTO/SB/08A as document FP31)	
	NPL28	Dialog File 351, Accession No. 9053979, Derwent WPI English language abstract for DE 196 21 522 A1 (listed on accompanying PTO/SB/08A as document FP37)	
	NPL29	International Search Report for International Application No. PCT/EP2004/014791, European Patent Office, Netherlands, mailed on April 28, 2005	

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